



PLANNING COMMISSION

Department of Urban Planning & Design • P.O. Box 27210 • Tucson, AZ 85726-7210

DATE: April 5, 2006

TO: Planning Commission

Albert Elias

FROM: Albert Elias, AICP
Executive Secretary

SUBJECT: Land Use Code Amendment – Rio Nuevo and Downtown Overlay Zone
Modification of Development Regulation

Issue: - This item is scheduled for discussion by the Planning Commission in study session on tonight's agenda. The City Manager has requested that staff bring forward an *Land Use Code (LUC)* amendment that provides greater flexibility for development proposed in the Rio Nuevo and Downtown Overlay Zone (RND).

Recommendation: - Staff recommends that the Planning Commission set this item for public hearing on May 3, 2006.

Background: - The RND zoning ordinance was adopted in November 2002 and represented a significant change to the way development projects had previously been reviewed. Other than required by the historic district and rezoning cases, architectural design review had not been required in the City of Tucson. The RND ordinance is based on conformance with the established design principles of diversity, design in context, and accessibility, and provides design standards and a review process. Adoption of the RND was intended to promote quality development and revitalize downtown. The City had committed to providing a process that worked well and, more importantly, worked cooperatively with the private sector to create a downtown that would be a source of pride and renewed investment. While the review process has improved the quality of development proposals in downtown, revisions to the *LUC* are necessary to provide flexibility that will further facilitate and encourage downtown development.

Three primary problems with the regulation have been identified: 1) there are a variety of different development regulations from the underlying zone and overlay zones, 2) compliance with the standard provisions for setbacks, parking and loading and refuse areas may be difficult downtown and, 3) designs that may be welcomed by the DRB and meet the RND purpose, may require variances. However, these desired modifications would be self-imposed making it difficult to obtain a variance.

The RND applies only to downtown areas that are primarily commercial in character and does not generally apply to residential areas with numerous small properties. However should a proposed project be located in proximity to an existing residential area, the required limited

notice procedure will ensure an opportunity for project review and comment by property owners and the appropriate neighborhood associations.

Amendment: - Staff proposes an administrative process that applies to development proposed in the Rio Nuevo and Downtown Zone only. A copy of the proposed amendment is included as Attachment A. The intent is to expand the DSD Director's authority to modify certain development regulations in conformance with the Limited Notice Procedures specified in the Development Compliance Code, Sec. 23A-40. In addition, the Board of Adjustment will hear appeals from either the applicant or anyone entitled to notice. The amendment does not replace or alter the DRB review currently required. It simply adds a provision to facilitate modifications and alleviates additional regulatory processes that impede timely development review. The main components of the *LUC* amendment include:

- Providing for the modification of development regulations associated with bicycle and vehicle parking, off-street loading landscaping and screening, etc., by the DSD Director
- Requiring conformance with the Limited Notice Procedure, Sec. 23A-40 of the Development Compliance Code
- Establishing findings by which the modification must conform.
- Providing for appeals through the Board of Adjustment

Under the current ordinance, proposed projects are reviewed for compatibility with the established design criteria in the RND. Procedures established for the review are administered by the Development Services Department (DSD) and include three review processes depending upon the scope of the project proposed: 1) a minor review, handled by staff in a short time period, 2) a full review by the Development Review Board (DRB) with recommendation to the DSD Director and, 3) a major review that includes both a preliminary review and a full review process. This process would not change under the proposed ordinance.

Conclusion: - The proposed amendment represents an effective means of responding to inefficiencies in the current process, providing greater flexibility and encouraging downtown development.

AE:JM:JI/Code Rev/Downtown Zoning/PCSSCommunication

Attachments:

- A – Proposed *LUC* Amendment
- B - Existing Section 23A-40, Limited Notice Procedure
- C - Existing Section 23A-32, Administrative Design Review Procedure
- D - Existing Development Standard No. 9-05.0, Rio Nuevo and Downtown Zone